GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT – LTR – Appeal Petition filed by Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District against the orders of the orders issued by District Collector, West Godavari, Eluru, O.S.No.12/2018/F2, dt.01.09.2018 for the extent of Ac. 7.31 Cts situated in R.S.No.967-1 at Sithappagudem (V), Buttaigudem (M), West Godavari District- Dismissed – Orders – issued.

SOCIAL WELFARE (TW.LTR.I) DEPARTMENT

G.O.MS. No.13 **Date:03/03/2022**

Read the following:-

1.	O.S.No.12/2018/F2, orders issued by District Collector, West Godavari, Eluru, dt.01.09.2018 on the petition filed by Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District.
2.	Appeal Petition filed by Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District dt.09.08.2019.
3.	Govt.Letter.No.SOW01-TWOLTR(RPWG)/8/2019, dt.09.09.2020 & dt.16.11.2020.
4.	From Special Deputy Collector (TW), Polavaram, West Godavari District, Dt:26.11.2020.
5.	Govt.Letter.No.SOW01-TWOLTR(RPWG)/8/2019, dt.09.07.2021, 10.08.2021 & 17.08.2021.

ORDER:

In the reference 1st read above, Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District has filed the Original Suit before the District Collector, West Godavari, Eluru against the defendants, Soyam Ganga Raju and 3 others for passing a decree in favour of the plaintiff and against the defendants for perpetual injunction restraining the defendants, their men, relatives, servants, friends etc., from in any way interfering with the possession of the plaintiff over the suit schedule property (i.e., the extent of Ac.7.31 Cts situated in R.S.No.967-1 at Sithappagudem (V), Buttaigudem (M), West Godavari District) to order such other relief of reliefs as the Hon'ble Court deems fit and proper in the circumstances of the case.

2. Based on the said petition, the District Collector, West Godavari, Eluru has stated that, the absence of valid documents in the eye of law in respect of the suit scheduled property the petitioner is not entitled for the pass book and the title deed with Katha No.2034 in Respect of the said property accordingly the

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pass book and title deed with Katha No.2034 relating to the Petitioner in respect of the suit scheduled property are liable to be cancelled vide O.S.No.12/2018/F2, dt.01.09.2018 on the Original Suit filed by Sri Kanithi Gangadhar Rao under section 3(1) of the (APSALT) Andhra Pradesh State Area Land Transfer Act Regulation of 1 of 1959 as amended by the Regulation 1 of 1970 vide reference 1st read above.

3. Accordingly, Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District has filed an Appeal Petition before the Government with a request to declare the order in O.S.No.12/2018/F2, dt.01.09.2018 of the Agent to Government/District Collector as contrary to APSALT regulation 1 of 1959 as amended by 1/1970 consequentially set aside and pass such other order or orders as the Hon'ble State Government may deem fit and proper in the circumstances of the case vide reference 2nd read above.

4. The Appeal Petition filed by Sri Kanithi Gangadhar Rao S/o. Late Venkata Swamy, Sithappagudem (V), Buttaigudem (M), West Godavari District Government while admitting the same have called for parawise remarks along with the connected case records from the Project Officer, ITDA, K.R Puram, West Godavari District vide reference 3rd read above.

5. The Special Deputy Collector (TW), Polavaram, West Godavari District, has furnished the parawise remarks along with the connected case records on 26.11.2020 vide reference 4th read above.

6. In the reference 5th read above, the petitioner and defendants was called for the hearing along with written arguments and records. The Special Deputy Tahsildar (TW), K.R.Puram, West Godavari District and petitioner and defendants were attended the hearings conducted by the Appellate Authority on 09.09.2020, 16.11.2020, 09.07.2021 and finally heard on 17.08.2021. In this regard the Appellate Authority stated that:

a. During the course of hearing of the case that the appeal petitioner submitted his arguments as per grounds in appeal petition and on verification of documents and the grounds in appeal and parawise remarks as well as the other documents and the material available on the record it is noticed that the appeal petitioner contention is that he filed a original suit for directed for cancellation of the passbook and title deed relating to him in respect of the suit schedule property.

b. The other contention of the appeal petitioner is that he produced all the revenue records as well as documents to substantiate his contention that he had title over the property.

c. It is observed that as seen from the record that the appeal petitioner failed to produce any valid document in support of his case and failed to prove his case that he is having title over the property on the basis of unregistered document filed by him.

7. After careful examination of the Government, that taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference and accordingly the same is hereby upheld and the appeal petition is hereby dismissed.

8. The Collector & District Magistrate, West Godavari District, Eluru is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

9. This order shall be published in apegazette.cgg.gov.in

(BY ORDER AND IN THE NAME OF THE GOVERNOR OR ANDHRA PRADESH)

KANTILAL DANDE
SECRETARY TO GOVERNMENT (TW)

To
The Agent to Govt. cum Collector & District Magistrate, West Godavari District, Eluru.

The Additional Agent to Govt. cum Project Officer, ITDA, Kotaramachandrapuram, West Godavari District.

The Special Deputy Collector (TW), Polavaram, West Godavari District.

Sri B.Chandra Sekhar, Advocate, Flat No. 24, Padmaja nagar, Tadigadapa, Vijayawada, Krishna District.

Sri Kanithi Gangadhar Rao S/o Late Venkata Swamy, R/o D.No.1-22, Sithappagudem (V), Buttaigudem (M), West Godavari District.

Sri Soyam Gangaraju S/o kanaiah, R/o Dasayyapalem (V), Buttaigudem (M), West Godavari District.

Sri Soyam Durga Rao S/o Gangaraju, R/o Dasayyapalem (V), Buttaigudem (M), West Godavari District.

Smt Soyam Akkamma W/o (Late) Ganga Devi, R/o Tellamvarigudem (V), Buttaigudem (M), West Godavari District.

Smt Tellam Muthyalamma W/o Aknanka Rao, R/O Duddukuru (V), Buttaigudem (M), West Godavari District.

The Director, Printing, Stationary (for publication in the AP Gazette)

//FORWARDED : : BY ORDER//

SECTION OFFICER